

Appin. No. 10/091,732

Attorney Docket No. 10541-264

IV. Remarks

In response to the Office Action mailed October 8, 2003, please enter the foregoing amendment and consider the following remarks. In this Amendment, claims 1, 3, 4, 6, 8, 10 and 13 have been amended, claims 2 and 7 have been canceled, and new claims 15-17 have been added. Thus, claims 1, 3-6 and 8-17 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

ELECTION/RESTRICTIONS

The Examiner has imposed a restriction requirement necessitating an election between invention I (claims 1-9 drawn to a panel) and invention II (claims 10-14 drawn to a method of forming a panel). The Examiner asserts that inventions II and I are related as process of making and product made, and that product of invention I can be made by a process other than that of invention II. More specifically, the Examiner asserts the product of invention I can be made by forming a second layer by mixing fibers without the presence of a binder and later applying the binder material, and also that molding can be done by hand without a molding tool.

The Applicants provisionally elect invention I corresponding to claims 1-9 drawn to a panel, i.e. the product made. However, the Applicants traverse the Examiner's imposition of a restriction requirement because the product as claimed cannot be made by another materially different process. First, the Applicants note that claim 10 has been amended to eliminate the necessity of molding with a molding tool as well as to eliminate the recitation of a binder material used in the second and fourth layers. Further, even prior to these amendments the alternate process identified by the Examiner represented insubstantial changes to the process of invention II, and these changes were certainly not materially different. Rather, these modifications represent superficial changes created by the Examiner without due regard for their practicality or their validity. Subsequent addition of binder material to pre-mixed natural fibers and polypropylene fibers is not only a rearrangement of steps but is also not practical, and likewise molding by hand is simply an insubstantial change which is not commercially practical.

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Finally, the process of invention II recites the steps of forming certain layers, positioning them relative to each other in a certain way, and treating the arranged pre-form such that a chemical bond is formed between the first layer and the second layer. This process closely corresponds with the language of amended claim 1 which also requires similar layers arranged in a similar way and treated to result in a product having chemical bond formed between the first layer and the second layer.

CONCLUSION

In view of the preceding amendments and remarks, the Applicants respectfully submit that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicants respectfully request that the Examiner contact the Attorney of the Applicants at the earliest convenience of the Examiner.

Applicants have calculated no fees to be presently due in connection with the filing of this Paper. However, Applicants have authorized charging of any fee deficiency to the deposit account of Applicant's assignee, Visteon Global Technologies, Inc., as indicated in the Transmittal accompanying this Statement.

11/10/03
Date

Respectfully submitted,



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